IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

Bail Appl..No. 1239 of 2007()

CRIME NO. 7 OF 2007 OF THIRUPURAM EXCISE RANGE

PETITIONER/ACCUSED NO.3

SUDHARSANAN, AGED 48,
S/O.RAMAKRISHNAN, T.C.43/282,
V.S.COTTAGE, THOTTAM, MANACAUD.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GOERGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 1239 of 2007

DATED: 7th March , 2007

O R D E R

Petitioner who is the 3rd accused in Crime No. 7 of 2007 of Thirupuram Excise Range · for offences punishable under Secs..33 (2) and 61 of the Abkari Act, seeks anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. The case of the prosecution is that at about 11 p.m. on 3-2-2006 the first accused was arrested with 22 litres of spirit from the vicinity of a temple, and on interrogation, the first accused revealed the name of the 2nd accused as the supplier of the contraband spirit. The petitioner and three others then deterred the excise party from discharging their duties with a view to rescue the first accused.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer and then to have his application for regular bail ordered by the Magistrate concerned. Accordingly, the petitioner shall surrender before the Investigating Officer on any day between 13-03-2007

and 15-3-2007 for the purpose of custodial interrogation and recovery of incriminating materials, if any. Thereafter the petitioner shall be produced before the Magistrate concerned having jurisdiction, on the same day who shall release the petitioner on bail on appropriate conditions including the one that he shall not commit any offence while on bail.

This petition is disposed of as above.

V.RAMKUMAR, JUDGE

ani